

**MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD  
ON WEDNESDAY, JANUARY 15, 2020 AT 6:00 P.M. IN THE CITY OF LAS VEGAS  
COUNCIL CHAMBERS**

**MAYOR PRO TEM:** Vincent Howell

**COUNCILORS:** David G. Romero  
David A. Ulibarri, Jr.  
Barbara A. Casey

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Casandra Fresquez, City Clerk  
Esther Garduno Montoya, City Attorney  
David T. Bibb III, Sergeant at Arms

Mayor Pro Tem advised everyone how pleased he was regarding their presence and support of the Council and that it was important to hear everyone's voices of concern.

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Casey thanked our Creator for the many blessings such as people we work with, the amazing place we live, happiness and people who love us as well as people who do not which resulted in challenges that made them do things better. She asked God to strengthen the Council with the ability to serve the community in the best way and to keep their focus on the people they serve.

Interim City Manager Gallegos took the opportunity to welcome Casandra Fresquez back as City Clerk and that she looked forward to moving forward.

Mayor Pro Tem Howell took the opportunity to thank Deputy Clerk Danielle Sena for doing an outstanding job.

Councilor Romero stated there were some concerns regarding the agenda and the Open Meetings Act and asked if the agenda was okay as presented.

City Attorney Esther Garduno Montoya stated "Mayor, Councilors, yes".

### **APPROVAL OF AGENDA**

Councilor Casey made a motion to approve the agenda as presented. Councilor Ulibarri, Jr. seconded the motion. Mayor Pro Tem Vincent Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
David A. Ulibarri, Jr.	Yes		

City Clerk Casandra Fresquez re-read the motion and advised that the motion carried.

### **APPOINTMENTS**

- Appointment of Mayor

Councilor Casey advised that Mayor Pro Tem Howell had served as Councilor for 8 years and in her opinion, he had done a commendable job. She stated he always listened and addressed issues brought forth to him with willingness and attentiveness and cared about the community. She stated it was her honor and pleasure to nominate him to be Mayor for the remainder of the former Mayor's term. Councilor Romero seconded the motion. Mayor Pro Tem asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
David G. Romero	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

District Judge Gerald Baca took the opportunity to thank Mayor Howell who he had known for a long time and stated that he was a very honorable, honest, forthright and hardworking man. District Judge Gerald Baca swore in Vincent Howell to the Office of Mayor of the City of Las Vegas, San Miguel County in the State of New Mexico.

- Appointment of Councilor

Mayor Howell advised that he needed to appoint someone as representative for the seat of Councilor, Ward 2 and read a brief Bio on Mr. Mark Saiz, who he would be appointing to his seat with the approval of the Council.

Councilor Casey asked Mr. Saiz which non-profit organizations he had worked with.

Mr. Saiz advised that he worked with Somos Familia and Samaritan House organizations.

Councilor Ulibarri, Jr. advised that he had concerns regarding appointing Mr. Saiz to Ward 2 seat, for what would only be two meetings and thought that not much would be accomplished within that time.

Mayor Howell advised that Mr. Saiz was well aware of the time that he would be taking the seat and stated that he believed that he needed to appoint someone to that seat.

City Attorney Garduno Montoya informed Mayor and Council, that there was a provision in the Charter that stated, within 15 days of the vacancy, a qualified elector from that district must fill the vacancy.

Brief discussion took place regarding the brief appointment of Ward 2 seat and City Charter issues.

Councilor Romero advised that he had concerns on timing and filling the Ward 2 seat and stated to Mr. Saiz that it was no disrespect to him and understood the appointment to fill the vacant seat stated in the Charter. He asked, being that Mr. Montoya was the only candidate who filed for Ward 2, was he considered to fill the vacancy due to the reason of having a lot of work to be done before the new administration would come in. Councilor Romero stated that in order to move forward he thought it would be a proper fit for Mr. Montoya to take the seat instead of the gap in between and there would be continuity and that he respected Mayor Howell's appointment.

Mayor Howell stated that Mr. Montoya was an option before he became a candidate and thought it might be a conflict of interest of being a candidate and also sitting on the seat.

Councilor Casey asked Legal Counsel if it was legal for a candidate who was on the ballot to take office before they are actually elected in the election.

City Attorney Garduno Montoya advised that there was not a provision in the Charter that disallows it, and that she spoke with the Municipal League's general counsel as well and stated that there was no provision that they could not take the seat.

Councilor Casey asked if there was anything in the Municipal Code and asked if technically anyone who was on the ballot could be appointed to the seat.

City Attorney Garduno Montoya reiterated that there was not a provision stating that they could not.

Councilor Romero stated that Mayor Howell had provided Mr. Saiz' Bio although he would like to get to know Mr. Saiz a little better and made a motion to table the item until the next meeting.

Brief discussion took place regarding the next meeting taking place. Councilor Casey reminded the council members that a tabling motion is non-debatable and discussion stopped.

Councilor Ulibarri, Jr. seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
David A. Ulibarri, Jr.	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

Mayor Howell took the opportunity at that time to apologize to Mr. Mark Saiz.

### **APPROVAL OF MINUTES**

Councilor Casey made a motion to approve the minutes for the December 11th Work Session and December 18, 2019 Regular with minor amended corrections. Councilor Ulibarri, Jr. seconded the motion. Mayor Pro Tem Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	David A. Ulibarri, Jr.	Yes
Barbara A. Casey	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

### **MAYOR'S APPOINTMENTS/REPORTS**

- Lodger's Tax Board Member appointments (3)

Mayor Howell stated that he was recommending Shawna Sandoval, Owner/Operator of The Skillet, Georgina Ortega Angel, Community Member at large and Gabe Garcia , Owner of Abraham's Tiendita as the appointments to the Lodger's Tax Board.

Councilor Casey advised she had received some emails from people who had applied for the "at large" position, regarding concerns of Mayor Howell appointing people who were selected by the former Mayor and why hadn't Mayor Howell selected his own.

Mayor Howell advised that one of the main reasons was that the persons he had mentioned had already signed an acceptance letter to be appointed to Lodgers Tax which was done on January 6th because they were already communicated to and had already accepted the position.

Brief discussion took place regarding Lodger's Tax appointments only being effective until the new administration would come in.

Councilor Romero made a motion to approve Mayor Howell's recommendations of Lodger's Tax Board members. Councilor Ulibarri, Jr. seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David G. Romero	Yes
David A. Ulibarri, Jr.	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

### **MAYOR'S RECOGNITIONS/PROCLAMATIONS**

Mayor Howell once again took the opportunity to recognize and welcome back City Clerk Casandra Fresquez and to thank Deputy Clerk Danielle Sena for doing an excellent job in the absence of Ms. Fresquez.

### **PUBLIC INPUT**

Arthur Ray Gallegos spoke in detail regarding the hearing update of the Water Sharing Agreement between the City of Las Vegas and Acequias and encouraged the governing body to bring litigation to an end, he urged them to look into how much money had been spent in litigation and felt it had been harmful to the community and to the economy.

Lee Einer spoke in detail regarding the City Charter and abiding by it and spoke about the importance of the City of Las Vegas being in compliance.

William Gonzales spoke in detail regarding the many needs of water throughout the City of Las Vegas and water sharing issues between the City of Las Vegas and the Acequias and bringing litigation to an end.

Gabe Estrada took the opportunity to thank Council on approving a new Mayor and advised that this community was missing a lot of lights and praised Council for bringing City Clerk Casandra Fresquez back which was one of those bright lights.

Mr. Estrada also spoke in detail of the importance of bringing the water litigation to an end, agreeing to share precious water between the City of Las Vegas and the Acequias. He encouraged the governing body to allow everyone to come together and end litigation.

Lalo Sanchez welcomed City Clerk Casandra Fresquez back. He spoke briefly in regard to water leaks, the lack of crosswalks in the City, corruption at the City of Las Vegas and hoped with the new administration that things would improve in the community.

Irene Encinias provided a petition and spoke in detail of her concerns regarding the dire need of street repairs throughout the City of Las Vegas. She asked the

governing body to please take action now, to work with other entities in resolving this issue and asked the governing body for their thoughts.

Mayor Howell stated that she did have good points and the issues would be addressed.

## **PRESENTATIONS**

None at this time.

## **CITY MANAGER'S REPORT**

Interim City Manager Gallegos reported that Legislative requests had been submitted to the Legislature with Senator Pete Campos sponsoring their legislation and would also contact Representative Salazar to co-sponsor. She advised there were five projects and asked the governing body to review them and if they would like to add any other projects and they had until February 5, 2020. She advised she had forms available for anyone interested in lobbying.

Interim City Manager Gallegos advised that they would be hosting events in Santa Fe on January 22nd, February 5th & 17th and stated that they would not be hosting Las Vegas Night at La Fonda as previously planned but would have Las Vegas day at the Round House on February 17, 2020.

Councilor Romero advised that one of his project requests would be for the pothole machine as it would be very beneficial for every single ward.

Councilor Casey stated that Senator Campos and Representative Salazar both advised would be very willing to work with the City of Las Vegas, and Senator Campos requested that he could meet to give an update on legislative money received last year and to review the needs on the ICIP plan which was as follows:

- |   |   |
|---|---|
| 1. Plan, design & construct road and drainage Improvements on Legion Dr. from Grand Ave. to 7th Street - Appropriation request: \$2,503,797   | 2. Plan, design, repair & renovate the Historic "Old City Hall" Facility for use by the City of Las Vegas - Appropriation request:\$750,000 |
| 3. Design, plan & construct improvements to the Water Treatment Plant to include the installation of a Supervisory Control & Data Acquisition system (SCADA)- Appropriation requested:\$750,000 | 4. Plan, design & construct electrical upgrades for the City of Las Vegas at Plaza Park - Appropriation requested: \$75,000                 |

5. Plan, design, construct & repair a road located at Hot Springs Blvd. in Las Vegas, NM in San Miguel County-Appropriation requested: \$750,000

Councilor Casey stated that hopefully the City would receive some of that money in order to move forward on these projects and utilize our legislative dollars. She encouraged anyone going to the Legislature, to keep those projects in mind and attempt to speak with as many Legislators as possible.

Councilor Ulibarri, Jr. questioned the amount of projects on the ICIP Plan and advised he would be interested in lobbying.

### **FINANCE REPORT**

Interim Finance Director Tana Vega presented the Finance Report for the month ending December 31, 2019-50% of Year Lapsed, reporting the General Fund revenues at 52% (\$5,927,529) and expenditures came in at 44% (\$5,651,545). She reported the Enterprise Funds revenue at 42% (\$7,166,547) and advised the expenditures came in at 37% (\$7,686,230). Interim Finance Director Vega advised that Recreation Fund revenues were at 44% (\$281,000) and expenditures came in at 45% (\$322,162).

Interim Finance Director Vega also presented the Lodgers Tax Report for the month ending December 31, 2019 reporting revenue at 67% (\$253,242) and expenditures at 36% (\$197,412). She stated that she had provided a breakdown of vendors paid, for Council's review.

Councilor Casey had several questions regarding the revenue amount being less than the expenditures for the Recreation Center and on some vendor payments on the payments to vendor check listing.

Ms. Vega addressed Councilor Casey's questions on the check listing and brief discussion took place on payment amounts made.

Councilor Casey stated that since the former Mayor had hired Quinones Law Firm to represent her at the Declaratory Judgement Action, which she felt was unethical and that she was no longer here, the contract needed to be stopped.

Councilor Casey stated she was requesting that City Manager and City Attorney work together to inform Mr. Quinones of the situation and asked City Attorney Garduno Montoya if the contract could be terminated.

City Attorney Garduno Montoya advised that the Mayor had been sued in her capacity as Mayor and she was not sure of what would now happen to the suit. She added that she did not know if it was the same as in the case of any City official that was sued in their capacity and were no longer here, the NM Self Insurers Fund or the Municipal League continued to represent them and advised she would look into the matter.

### **CONSENT AGENDA**

Councilor Romero made a motion to remove Consent Agenda #1, Approval of Resolution 20-01, Open Meetings Resolution and place under Business Items in order to have discussion. Councilor Casey seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
David G. Romero	Yes		

City Clerk Fresquez read the amended Consent Agenda into the record as follows:

2. Approval of Resolution No. 20-02 repealing and replacing all previous resolutions and adopting an updated Meadow city Express Zero Tolerance Drug and Alcohol Testing Policy.

Resolution 20-02 was presented as follows:

### **City of Las Vegas Meadow City Express Resolution No. 20-02**

#### **A RESOLUTION REPEALING AND REPLACING ALL PREVIOUS RESOLUTIONS AND ADOPTING AN UPDATED CITY OF LAS VEGAS MEADOW CITY EXPRESS ZERO TOLERANCE FTA DRUG & ALCOHOL TESTING POLICY**

**WHEREAS**, the City of Las Vegas Meadow City Express is required by the NMDOT Transit and Rail Division to have an FTA Drug and Alcohol Testing Policy in place; and

**WHEREAS**, upon completion of the Meadow City Express Drug and Alcohol FTA Audit it was found that an updated Zero Tolerance Drug and Alcohol Testing Policy using the NMDOT recommended template as per FTA standards be created and adopted by the Governing Body, and distributed to Meadow City Express employees; and

**NOW, THEREFORE BE IT RESOLVED THAT** the Governing Body of the City of Las Vegas hereby approves the City of Las Vegas Meadow City Express Zero Tolerance Drug and Alcohol Testing Policy and directs its distribution to transit employees; and

**IT IS FURTHER RESOLVED THAT** this Zero Tolerance Drug and Alcohol Testing Policy shall be effective \_\_\_\_\_.

**PASSED, APPROVED AND ADOPTED** by the City of Las Vegas Governing Body this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Casandra Fresquez, City Clerk

**APPROVED AS TO LEGAL SUFFICIENCY ONLY:**

\_\_\_\_\_  
Esther Garduno-Montoya, City Attorney

3. Approval of Out of state travel to Westminster, Colorado.

4. Approval for the Las Vegas City Police Department to accept funding in the amount of \$22,420.00 from the New Mexico Department of Transportation, Traffic Safety Bureau.

Councilor Romero made a motion to approve the Consent Agenda as amended. Councilor Casey seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David G. Romero	Yes
David A. Ulibarri, Jr.	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

## **BUSINESS ITEMS**

### 1. Approval of Resolution 20-01 Open Meetings Resolution.

Brief discussion took place regarding notices of public meetings being posted 72 hours prior to the meeting and amending Resolution 20-01.

Councilor Casey made a motion to approve Resolution 20-01 Open Meetings Resolution with additional language specifying that it would be posted 72 hours prior to the meeting on the City's website. Councilor Romero seconded the motion.

Resolution 20-01 was presented as follows: *Due to the length of the document, a complete copy may be obtained from the City of Las Vegas, City Clerk's Office.*

Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	David A. Ulibarri, Jr.	Yes
Barbara A. Casey	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

### 2. Approval/Disapproval of the purchase of 2015 Elgin Pelican Sweeper.

Interim Public Works Director Daniel Gurule advised that as per City Councilors' request, it was requested to inform councilors on the purchase of the 2015 Elgin Pelican Sweeper, in which the city has been leasing for five years with the option of purchasing.

Interim City Manager Gallegos informed that this purchase had been previously approved within the budget process by Mayor and Council and was being brought back for approval.

Councilor Casey made a motion to approve the purchase of the 2015 Elgin Pelican Sweeper. Councilor Ulibarri, Jr. seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	Yes
Barbara A. Casey	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

3. Approval/Disapproval of correction to the water treatment plant sewer bill.

Utilities Director Maria Gilvarry explained in detail regarding the electrical meter at the Water Treatment Plant that had experienced a malfunction and provided a series of extremely high meter reads resulting in the plant being overcharged \$64,884.47. She stated that she directed her staff to look at the billing and change the amounts and after reviewing the billing again, she found one more error and requested to add the September bill with a \$13,000 credit.

Councilor Ulibarri, Jr. asked when it was brought to her attention, if her employees had not caught the problem and if customers were being overcharged.

Utilities Director Gilvarry advised that she found out about the issue around August 2019 from Souder Miller staff and her staff did not have any knowledge of the meter reads being incorrect. She added that customers were not being charged and this was an industrial meter not used for any other customers.

Councilor Romero asked a question regarding the issue being discussed at the Utilities Advisory meeting and he had no idea of meetings taking place. He asked Ms. Gilvarry to state for the record, the members of that committee.

Utilities Director Gilvarry advised that Utility Advisory meetings took place once a month and stated that members were Mike Martinez, Mike Cozens, Rudy Castellano, Meredith Britt and could not remember the name of the last member.

Councilor Romero asked the City Attorney if everything was alright with the billing correction, as far as the legalities.

City Attorney Garduno Montoya advised that there was a resolution that indicated that error corrections must come to Council for approval if it was over \$50,000.

Utilities Director Gilvarry asked if she should bring the additional \$13,000 amount at a different time.

Interim City Manager Gallegos stated that it should be brought at a different time.

Councilor Casey made a motion to approve the correction by the City Manager and Finance Director to the water treatment plant sewer bill in the amount of \$64,884.47, as per Resolution 12-06. Councilor Ulibarri, Jr. seconded the motion. Mayor Howell asked for roll call. Councilor Romero stated that he hoped this did not happen again. Roll Call vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
David A. Ulibarri, Jr.	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

### **COUNCILORS' REPORTS**

Councilor Romero asked if the Streets department could address the most visible potholes as quickly as possible.

Streets Superintendent Chris Rodarte advised that weather was an issue when it came to working with hot mix and at the current time was working on patching with quick patch material (QPM), a temporary fix.

Lengthy discussion took place regarding obtaining asphalt, what other communities were using and the issue of the Streets Department being short staffed and to find budget for pothole repair.

Mayor Howell stated that Mr. Rodarte was overextended and made the recommendation to review the budget and in order to give him some help.

Interim City Manager Gallegos advised that she would meet with Mr. Rodarte tomorrow and see how many staff members he would need in order to keep the operation going on a continuous basis and shift all the other areas to someone else.

Councilor Romero brought up the issue of also being short staffed in Code Enforcement.

Police Chief Bibb advised that they had just had interviews and would be about another two weeks to fill the positions.

Councilor Casey advised she would like to make her "Councilor's Report" a "Point of Personal Privilege" statement and brought up that the City had laws that had to be followed at the time of Public Input during Council meetings and stated that in the past, disparaging comments had been made about her and other Council members. She gave definitions of "slander and libel" and advised that recently letters of false statements in the newspaper had been published about her by Emilio Aragon and spoke in detail of a lawsuit filed against West Las Vegas High School.

Councilor Casey stated that she hoped people would not always believe statements or letters written in the paper because they were not always true and hoped that Mayor Howell would not allow any kind of disparaging language during public input because it would be in violation of the public input ordinance. She reminded that during public input, names should not be mentioned, statements should be backed by documents of proof and that many things written in the newspaper about her work experience, work with the Legislature had been fabrications and she took great offense and wanted to let everyone know that some things were utterly ridiculous and untrue.

Mayor Howell stated that we had lost Skip Smith awhile back and that some community members considered putting a bench in his honor at Plaza Park and asked Interim City Manager Gallegos for an update.

Interim City Manager Gallegos advised that they were waiting for a letter from Sarah Matthews which would be taken to the Design Review Board for review and then follow the process. She stated that it would be brought to Council, if that was what they wished and that funds had been donated for that as well.

Mayor Howell advised Interim City Manager Gallegos of directing Police Officers to report lights not working properly in the community and to identify the lights belonging to the City, PNM or NMDOT and providing that information to PNM and NMDOT as well.

### **EXECUTIVE SESSION**

Councilor Casey made a motion to go into Executive Session to discuss matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act,

NMSA 1978 and for Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978, and requested that in executive session, that the pending litigation be addressed first and for personnel issues, that only the Councilors and Mayor be present and that City Manager and City Attorney be called in as necessary. Councilor Romero seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
David A. Ulibarri, Jr.	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Casey made a motion to reconvene into Regular session after being in Executive session for the purpose of discussing personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978 and for discussion of matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act and stated that no action was taken and no decisions were made. Councilor Romero seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
David G. Romero	Yes		

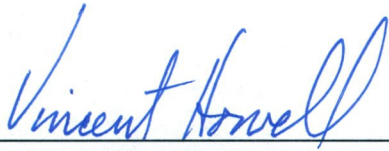
City Clerk Fresquez re-read the motion and advised that the motion carried.

### **ADJOURN**

Councilor Casey made a motion to adjourn. Councilor Ulibarri, Jr. seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

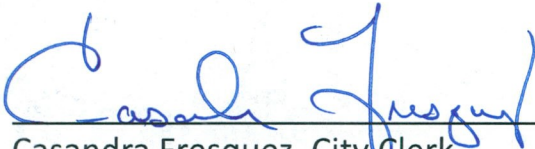
David G. Romero	Yes	Barbara A. Casey	Yes
David A. Ulibarri, Jr.	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

A handwritten signature in blue ink, reading "Vincent Howell", written over a horizontal line.

Mayor Vincent Howell

ATTEST:

A handwritten signature in blue ink, reading "Casandra Fresquez", written over a horizontal line.

Casandra Fresquez, City Clerk